

REMARKS

Claims 2 through 7 have been rejected as indefinite because of the use of the trademark Velcro®.

New claim 10 avoids the rejection by referring to the generic description "hook and loop material" rather than to the trademark Velcro®. The specification has also been amended to use the trademark Velcro® correctly and to refer to its generic description. It is not believed that these amendments to the specification constitute new matter.

Original claims 1-3 and 7 were rejected as being anticipated by Stoner US Patent No. 5,987,778. The Stoner leg covering comprises a molded foot cover portion (see Fig. 1-4) and a separate puttee of a different material that the foot cover portion which is sewn or otherwise affixed to the foot cover portion.

New claim 8 patentability distinguishes from Stoner by calling for the shoe protection body to be unitary rather than two separate materials affixed to each other. It is believed that these features would substantially reduce the production complexity and the cost of the item.

New Claim 9 further distinguishes from Stoner by calling for the shoe protection body to be "substantially flat" rather than "molded" as called for by Stoner.

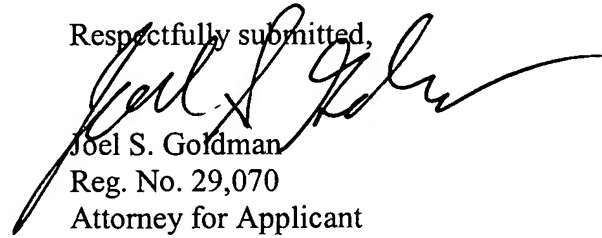
The Tsen reference which is also cited as anticipating the original claims has features not found in the present invention as the rim 11. New claim 8, it will be noted, calls for the invention to "consist essentially of" the elements noted in the claim. Moreover the Tsen reference also appears to be molded rather than "substantially flat" as called for by claim 9.

The remainder of the claims are believed to be allowable over the above references and over the Hetrick US Patent No. 1,018,708 reference by being dependant directly or indirectly from claims 8 and/or 9 which are, as noted above, believed to be allowable form.

Allowance of new claims 8-15 and passage of the application to issue is, therefore, respectfully requested.

A check in the amount of \$60.00 is enclosed for the Application one month extension of time. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 501982.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joel S. Goldman", is written over the typed name and title.

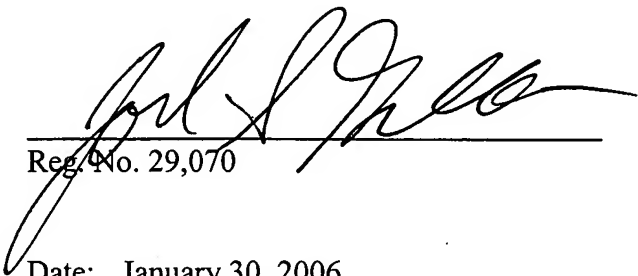
Joel S. Goldman

Reg. No. 29,070

Attorney for Applicant

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date shown below with sufficient postage as U.S. Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Mail Stop Non-Fee Amendment, Post Office Box 1450, Alexandria, Virginia 22313-1450.


Reg. No. 29,070

Date: January 30, 2006